

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

McClurg et al.

Appl. No.: 10/725,543

Filed: December 3, 2003

For: System Having a Rotating Optical System and a Non-Planar Prism that are Used to Obtain Print and

Other Hand Characteristic

Information

Confirmation No.: 3189

Art Unit: 2621

Examiner: To be assigned

Atty. Docket: 1823.0820004

Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
 Information Disclosure Statement was cited in a communication from a foreign
 patent office in a counterpart application and this communication was not
 received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
 days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ∑ 5. Documents AH1, AB3, AB4, and AD5 were cited in a search report in a counterpart PCT application. A copy of the search report is enclosed as document AN1 for the convenience of the Examiner.
- A concise explanation of the relevance of the non-English language document AK1 appears below:
 Document AK1 (JP 3-161884) appears to describe a finger image input device.

An English language abstract of document AK1 is enclosed as document AO1.

- ∑ 7. Copies of documents AJ1, AK1, AN1, and AO1 are submitted herewith.
- 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No._______, filed ______, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ∑ 9. No copies of U.S. patents and patent application publications cited on the
 attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because
 this application was filed after June 30, 2003.

McClurg *et al.* Appl. No. 10/725,543

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☐ 10. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date:

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

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*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

August 20, 2004

WRITER'S DIRECT NUMBER: (202) 772-8645 INTERNET ADDRESS: JASONE@SKGF.COM

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Art Unit 2621 Mail Stop Amendment

Re:

U.S. Utility Patent Application

Application No. 10/725,543; Filed: December 3, 2003

System Having A Rotating Optical System And A Non-Planar Prism

That Are Used To Obtain Print And Other Hand Characteristic

Information

Inventors: Our Ref:

McClurg et al. 1823.0820004

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement (IDS);
- 2. Form PTO-1449 (9 sheets) listing the cited documents;
- 3. Copies of the four (4) cited documents; and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents August 20, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

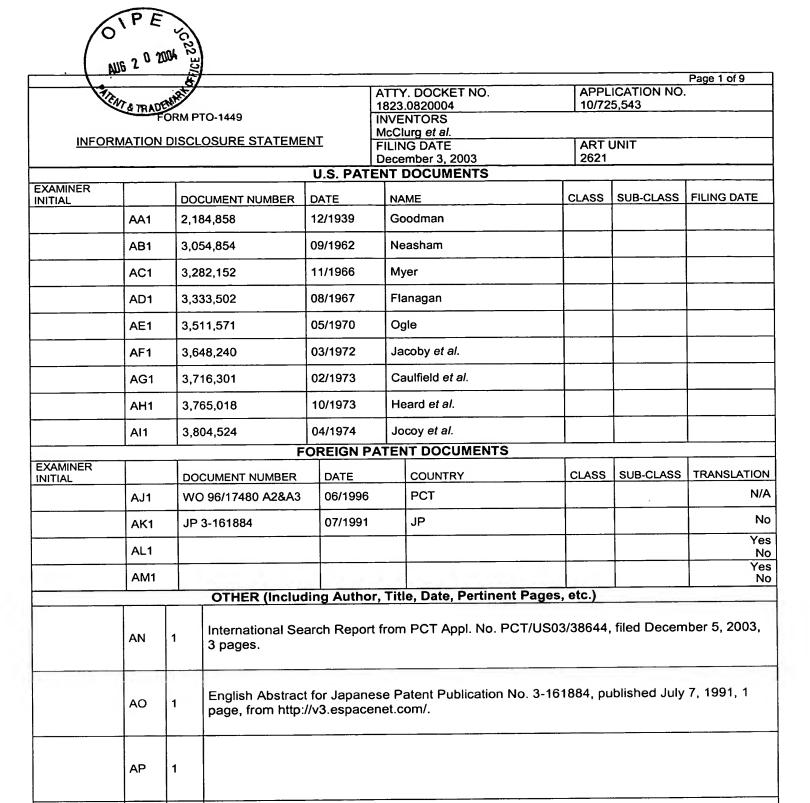
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg Attorney for Applicants Registration No. 43,447

JDE:amr

300480.1



EXAMINER DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	AA2	- :	3,882,462	05/1975	ı	McMahon			
	AB2	_	4,032,889	06/1977		Nassimbene 			
	AC2	_	4,128,837	12/1978	- F	Page			
	AD2		4,180,306	12/1979	1	Ouhrkoop <i>et al</i> .			
	AE2		4,206,441	06/1980	1	Kondo			
	AF2		4,206,556	06/1980	;	Sabo <i>et al</i> .			
	AG2		4,357,597	11/1982	'	Butler			
	AH2		4,387,365	06/1983	!	Berry et al.			
	Al2		4,414,684	11/1983		Blonder			
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	AA3		4,467,545	08/1984		Shav	v, Jr.				
	AB3		4,578,793	03/1986		Kane	ee et al.				
	AC3		4,688,092	08/1987		Kam	el et al.				
	AD3		4,701,960	10/1987		Scot	t 				
	AE3	4	4,720,869	01/1988		Wad	ia 				
	AF3		4,736,203	04/1988		Sidla	auskas				
	AG3	1	4,736,436	04/1988		Yası	ukawa <i>et al</i> .				
	АН3	1	4,751,660	06/1988		Hed	ley				
	Al3		4,751,759	06/1988		Zoel					
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	AA4	4	1,774,516	09/	/1988	He	enri e <i>t al.</i>				
	AB4	4	1,790,025	12/	/1988	Inc	oue et al.				
	AC4		1,805,117	02	/1989	Fic	ore et al.				
	AD4	4	1,821,118	04	/1989	La	freniere				
	AE4	;	5,140,469	08.	/1992	La	marre et al.				
	AF4	!			/1993	Og	gawa et al.				
	AG4				/1993	St	anger et al.				
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	AA5		5,313,306	05/1994	Kı	uban <i>et al</i> .			
	AB5	_	5,367,399	11/1994	K	ramer			
	AC5		5,377,002	12/1994	М	lalin et al.			
	AD5		5,440,428	08/1995	Н	egg et al.			
	AE5		5,452,135	09/1995	М	laki et al.			
	AF5		5,469,289	11/1995	lv	vao et al.			
	AG5		5,526,436	06/1996	s	ekiya			
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INVENTORS INVE													
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AB7 6,041,134 03/2000 Merjanian AC7 6,046,867 04/2000 Rana AD7 8,175,407 B1 01/2001 Sartor AE7 8,198,429 B1 03/2001 Fujikawa et al. AF7 6,243,488 B1 06/2001 Penna AG7 6,341,028 B1 01/2002 Bahuguna et al. AH7 6,394,356 B1 05/2002 Zegami AI7 8,411,441 B1 06/2002 Videen FOREIGN PATENT DOCUMENTS EXAMINER NITIAL AJ7 AK7 AL7 AN7 AN7 AN7 AN7 AN7 AN7 AN	INITIAL							$\overline{}$			CLASS	SUB-CLASS	FILING DATE
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